

SUNSHINE REFORM TASK FORCE MEETING MINUTES

**Thursday, November 15, 2007
6:00pm – 8:30pm**

City Hall, Wing Rooms 118-119

Present: Ed Rast, Strong Neighborhoods Initiative PAC; Ken Podgorsek, United Neighborhoods of SCC; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Bert Robinson, San José Mercury News; Edward Davis, Orrick Law Firm (Legal Counsel); Brenda Otey, At Large-Representative; Virginia Holtz, Willow Glen Neighborhood Assoc.; Mary Ann Ruiz, Parks and Recreation Commission; Trixie Johnson, Former Councilmember; Judy Nadler, Markkula Center for Applied Ethics; Bob Brownstein, South Bay Labor Council; Bobbie Fischler, League of Women Voters; Nanci Williams, San Jose/Silicon Valley Chamber of Commerce

Absent: Dave Zenker, Falls Creek Neighborhood Association; Dan Pulcrano, Silicon Valley Leadership Group

Staff: Lee Price, City Clerk; Lisa Herrick, Senior Deputy City Attorney; Tom Manheim, Office of the City Manager; Eva Terrazas, Office of the City Manager/Redevelopment Agency; Eileen Beaudry, Office of the City Manager

I. Approval of the November 1, 2007 Meeting Minutes

Upon a motion by Ken Podgorsek, seconded by Nanci Williams, the Task Force approved the October 18, 2007 meeting minutes with two abstentions due to absence: Judy Nadler and Trixie Johnson.

Staff introduced Eileen Beaudry who will be covering for Sheila Tucker while out on Maternity leave.

II. Comments from the Chair

Chair Rast announced the resignation of Karl Hoffower.

III. Review of Meeting Material

Tom Manheim proposed changes to the agenda to allow the Task Force to move through it more expeditiously. Vice Chair Pulcrano's absence was noted and the Task Force agreed to defer the Technology Subcommittee recommendations to the December 6th meeting.

Upon a motion by Bobbie Fischler, seconded by Trixie Johnson, the Task Force approved the agenda order changes.

Sunshine Reform Task Force

Meeting Minutes

November 15, 2007

Page 2

V. Report on Status of SRTF Attendance

Tom Manheim reported that four members of the Task Force have three unexcused absences. The Task Force discussed the challenge of replacing members at this late stage of the process. Tom Manheim recommended that the Task Force *not* replace any outgoing members but continue to try and complete the work. Judy Nadler noted that her last meeting would be December 6th. Nanci Williams asked the Task Force to consider the hardship of serving on the Task Force and requested consideration of exceptions to the adopted absence policy.

Upon motion made by Ken Podgorsek and seconded by Joan Rivas-Cosby, the Task Force approved the staff recommendation to *not* replace any outgoing members and authorized the Chair to excuse absences at his discretion.

VIII. Upcoming Agenda & Work Plan

Staff reviewed the Task Force meeting calendar and requested subcommittee progress updates.

Ken Podgorsek stated the subcommittee on Administration and Accountability will be able to wrap up on December 6.

Bert Robinson advised that Public Record subcommittee has two time consuming issues that are ready to be covered on December 6 (Copying Fees and the Balancing Test), and noted that covering Police Investigatory Records and Police Reports could take up two more meetings. Lisa Herrick commented that the Police Statistical Reports will need to come back to the Task Force for review.

Tom Manheim suggested Bert work with Staff to determine how many subcommittee meetings are still needed. He added that there will be at least one to two more Task Force meetings needed to consider the final subcommittee report before the it goes to the Rules and Open Government Committee, and then to Council.

Ed Davis noted receipt of an email from Jo Anne McCracken, who is formulating the District Attorney's position paper on Police Records. He explained that her report is expected next week.

Tom Manheim requested clarification on the preferred ending time for Task Force meetings.

Upon motion by Bobbie Fischler, seconded by Nanci Williams, the Task Force agreed that meetings will start at 6 p.m. and end at 8:30 p.m., and further, that any "housekeeping issues" will be dealt with by the Chair and Vice Chair outside of the

Sunshine Reform Task Force

Meeting Minutes

November 15, 2007

Page 3

Task Force meetings. After further discussion, Virginia Holtz suggested that the Chair/Vice Chair and Staff prepare a cover memorandum to the Task Force providing status of any open housekeeping issues.

VI. Review SRTF's Practice for Hearing Public Testimony

This agenda item will be considered as a housekeeping issue.

VII. Discuss and Consider Approval of Subcommittee Recommendations

B. Ethics & Conduct Subcommittee Recommendations

Judy Nadler presented the revised subcommittee recommendations and introduced new concepts not included in the draft ordinance language, which include:

- 1) City volunteers would sign of code of ethics;
- 2) Lobbyist disclosure reports would be filed electronically within 2 business days;
- 3) Lobbyists will be regulated through the signing of campaign positions;
- 4) Council members will be allowed to abstain from voting if there is an appearance of conflict. Currently Council is required to vote on an issue unless there is a legal conflict.

Bob Brownstein explained that he is uncomfortable with the new concept that anyone that has a position of responsibility in a campaign whether paid or unpaid be precluded from lobbying the person if they get elected (conceptual language for Section 7.3) because it would be in conflict with grassroots politics. Subcommittee members explained that the goal of the language is to maintain distance between candidates and lobbyists. Bert Robinson recommended inserting the words, "paid lobbyists" to clarify that the prohibition would only apply to registered (paid) lobbyists.

Upon motion by Judy Nadler, seconded by Bob Brownstein, the Task Force approved the Ethics and Conduct subcommittee recommendations, including the conceptual issues as amended (add "paid lobbyists").

Lisa Herrick clarified that language capturing the new, conceptual provisions will be prepared and sent out to the Task Force for review.

C. Technology Subcommittee Recommendations

Deferred to December 6.

A. Administration & Accountability Subcommittee Recommendations

Sunshine Reform Task Force

Meeting Minutes

November 15, 2007

Page 4

Ken Podgorssek reviewed changes to the recommended draft and responded to Task Force questions. He noted that he would be prepared to bring back a final document on December 6.

Tom Manheim projected that a new Open Government Commission would require three new, full-time staff members and potentially cost as much as \$500,000 annually.

Lisa Herrick recommended that the final document come back in January because the December 6 agenda will be full.

IV. Update on the Rules and Open Government Committee's Review of Remaining SRTF Phase I Recommendations

The Task Force agreed not to hear this update.

IX. Open Forum

Blair Beekman suggested that the Task Force publish a document that describes each initiative, the Task Force's position on each initiative, and a timeframe for when each initiative will be discussed.

The Task Force adjourned the meeting at 8:35 p.m.